

Monte J. White & Associates, PC
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§ CASE NO. 08-70306-HDH-13
	§
Cullen Hill Black	§
and	§ JUDGE HARLIN D. HALE
Gabrielle Alisa Black	§
	§ HEARING DATE: 10/28/2009
DEBTORS	§ HEARING TIME: 11:00 A.M.

NOTICE OF HEARING, PRE-HEARING CONFERENCE
AND ATTACHED MODIFICATION OF PLAN AFTER CONFIRMATION

NOTICE OF HEARING

On 10/28/2009, which is at least twenty-five (25) days from the date of service hereof, at 11:00 o'clock A.M. a HEARING on the above and foregoing "Modification of Plan After Confirmation" will be held before the Bankruptcy Judge in Room 222, U.S. Courthouse, 10TH AND LAMAR Street, WICHITA FALLS, Texas. Creditors are not required to attend unless they have objections to the Modification.

NOTICE OF PRE-HEARING CONFERENCE

A PRE-HEARING CONFERENCE will be held by the Trustee at 8:30 o'clock A.M. prior to the above hearing time at the following location 10TH AND LAMAR STREET, WICHITA FALLS, TEXAS. Hearings on Motions to Modify Plans with objections not resolved at the PRE-HEARING CONFERENCE will be heard by the Court at the scheduled Hearing time.

NOTICE is hereby given that pursuant to 11 USC 1329 the attached "Modification of Plan" dated 09/04/2009, will be approved by the Court as the Debtor(s) Modified Chapter 13 Plan Unless a party in interest files a written "Objection to the Modification" within twenty (20) days of service hereof, and the Debtor has made any subsequent payments required under the Modified Plan. An "Objection to Modification" shall be made in writing to the following: U.S. Bankruptcy Court, Clerks Office, 1100 Commerce Street Room 12A24, Dallas, TX 75242, with copies sent to Walter O'Cheskey, Chapter 13 Trustee, 6308 Iola, Lubbock, TX, 79424 and Debtor(s) Attorney at the above address.

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
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IN RE:

Cullen Hill Black

and

Gabrielle Alisa Black

DEBTOR(s)

§ CASE NO. 08-70306-HDH-13

§

§ HEARING DATE: 10/28/2009

§ HEARING TIME: 11:00 A.M.

FIRST MODIFICATION OF CHAPTER 13 PLAN AFTER CONFIRMATION

DATE: 09/04/2009

Pursuant to 11 USC 1329, the Debtor(s) (per the undersigned attorney) or the Standing Chapter 13 Trustee, requests the following Modification of Debtor(s) Confirmed Plan herein:

I. HISTORY OF THE CASE

1. Date Case Filed: 7/31/2008
2. Date of Section 341 Meeting: 8/2/2008
3. First Payment Date: 8/30/2008
4. Date of Confirmation: 10/17/2008
5. Total Plan Term Prior to this Modification: 60
6. Number of Months from First Payment Date through month prior to estimated month of Modification Approval: 14
7. Remaining Plan Term (subtract item 6 from the lesser of item 5 or 60 months): 46
8. Amount of Arrears through the month prior to the date the Modification is filed: NONE
9. Date plan payments are to resume: 10/30/2009
10. Total Payments Paid to the Trustee through the month prior to the date the Modification is filed with the clerk: \$13,087.50
11. Total payments due to the Trustee through the month prior to the date the Modification is filed with the clerk: \$12,410.00
12. Total Payments Due to the Trustee from the month the Modification is filed to the month the Modification is set for approval: \$292.50
13. List Dates of any Prior Orders Modifying, Interlocutory Orders, or Special Supervision Orders:

TRCC 5/14/2009

II. MODIFICATION REQUESTED

(CHECK 1 OR MORE OF THE FOLLOWING 4 CHOICES)

- _____ Plan payments remain at \$ _____ per month.
- x DECREASE monthly payment from \$970.00 per month to \$760.00 per month
(must coincide with resume date shown in item 9 above)
- _____ Extend months from _____ months to _____ months (not to exceed 60 calendar
months from month of First Payment Date)
- _____ Add balloon payment of _____ in _____ month (indicate how the balloon payment will be
made)

All modifications that include a balloon payment will require testimony.

Any arrears indicated in item 8 above shall be cured by the following method:

III. RESUMPTION OF PAYMENTS TO THE TRUSTEE

(All information below must be complete)

Payments can only change as of the month the modification is approved. Payments to the Trustee in the amount of \$760.00 will resume on or before 10/30/2009 for 46 months (item 7 above) remaining in the Modified Plan as of the date the modification is approved.

Base amount will change from \$58,000.00 to \$48,340.00

If the base amount has changed complete the following:

- | | |
|---|--------------------|
| 1. Total Paid in as of the month prior
to Modification Approval: | \$13,380.00 |
| 2. (+)Plus Total Payments to be made
through the Remainder of Plan:
(Making up any arrears in item 9 above) | \$34,960.00 |
| 3. (=) New Base Amount | <u>\$48,340.00</u> |

IV. TREATMENT OF UNSECURED CREDITORS

Unsecured creditors are not guaranteed a dividend when a plan is confirmed. See general order 2007-2. Allowed general unsecured claims may receive a pro-rata share of the unsecured creditors' pool, but not less than the section 1325(a)(4) amount of non-exempt property less allowed administrative and priority claims, after the TRCC becomes final. A proof of claim must be timely filed to be allowed.

V. SECURED, PRIORITY OR SPECIAL CLASS TREATMENT

ADD/DELETE/SURRENDER/CHANGE the following Secured, Priority or Special Class Unsecured Creditor(s):

C/D;A=ADD;D = DELETE; S = SURRENDER; CF = CHANGE FROM; CT = CHANGE TO

OR

x Check here if no changes are to be made to creditors.

Note: Changes to any creditors above shall not be effective until the Modification is approved.

VI. ATTORNEY FEES

Debtor's attorney shall be allowed an additional fee for this Modification in the total amount of \$350.00 plus \$50.00 in costs, of which \$400.00 will be paid through the Plan by the Trustee;

VII. REASON FOR MODIFICATION

This modification is requested for the following reason(s): Debtors' income and expenses have changed. Debtors wish to modify their Chapter 13 plan payment accordingly.

VIII. BUDGET INFORMATION

At the time of filing this modification the debtor shall provide a filed marked copy of the current budget (schedules I & J) and the three most recent pay stubs to the Trustee.

See Amended Schedules I & J on file with the Court.

Respectfully submitted,

/s/Monte J. White

Attorney for Debtor(s)

CERTIFICATE OF SERVICE

I certify that a true copy of the above and foregoing Modification of Plan after Confirmation, Notice of Hearing and Pre-Hearing Conference has been served by me on 09/10/2009, on all parties on the attached matrix, by United States First Class Mail, proper postage affixed.

/s/Monte J. White

Attorney for Debtor(s)

<p>Case 08-70306-hdh13 Doc 38 Filed 09/10/09 Entered 09/10/09 15:06:12 Desc Main Label Matrix for local noticing 0539-7 Case 08-70306-hdh13 Northern District of Texas Wichita Falls Fri Sep 4 11:38:31 CDT 2009</p>		
<p>1100 Commerce Street Room 1254 Dallas, TX 75242-1305</p>		
<p>Chase Attn: Bankruptcy Dept PO Box 100018 Kennesaw, GA 30156-9204</p>		
<p>Citi Po Box 6241 Sioux Falls, SD 57117-6241</p>		
<p>Citifinancial Retail Services PO Box 140489 Irving, TX 75014-0489</p>		
<p>City of WF, WFISD, Wichita County CO Perdue Brandon Fielder Collins & Mott P.O. Box 8188 Wichita Falls, Texas 76307-8188</p>		
<p>GE Money Bank-Dillards Attn: Bankruptcy Dept PO Box 103104 Roswell, GA 30076-9104</p>		
<p>HSBC Bank Nevada and its Assigns by eCAST Settlement Corporation as its agent POB 35480 Newark NJ 07193-5480</p>		
<p>HSBC Bank Nevada, N.A. eCAST Settlement Corporation Bass & Associates, P.C. 3936 E. Ft. Lowell Rd, Suite 200 Tucson, AZ 85712-1083</p>		
<p>HSBC NV HSBC Retail Services Attention: Bankru PO Box 15522 Wilmington, DC 19850-5522</p>		
<p>HSBC-BestBuy 1405 Foulk Road Wilmington, DE 19803-2769</p>		
<p>IRS Special Procedures 1100 Commerce St., Room 951 Mail Stop 5029 DAL Dallas, TX 75242-1001</p>		
<p>LVNV Funding LLC its successors and assigns assignee of Citibank Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587</p>		
<p>Monte J. White & Associates 1106 Brook Ave Wichita Falls TX 76301-5009</p>		
<p>Recovery Management Systems Corporation 25 SE 2nd Ave. Ste. 1120 Miami, FL 33131-1605</p>		
<p>Recovery Management Systems Corporation 25 S.E. 2nd Avenue, Suite 1120 Miami, FL 33131-1605</p>		
<p>Roundup Funding, LLC MS 550 PO Box 91121 Seattle, WA 98111-9221</p>		
<p>Union Square Federal Credit Union PO Box 6050 Sheppard AFB, TX 76311-0050</p>		
<p>Verizon Wireless 618 Grassmere Park, Ste 14 Nashville, TN 37211-3677</p>		
<p>WICHITA FALLS CITY, ISD & WICHITA COUNTY CO PERDUE BRANDON FIELDER COLLINS & MOT PO BOX 8188 WICHITA FALLS TX 76307-8188</p>		
<p>Wells Fargo Bank, N.A. CO Legal Practice Management 15000 Surveyor Blvd. Suite 1720 Addison, TX 75001-4417</p>		
<p>Wells Fargo Home Mortgage PO Box 10335 Des Moines, IA 50306-0335</p>		
<p>eCAST Settlement Corporation CO Bass & Associates, P.C. 3936 E. Ft. Lowell Rd., Suite 200 Tucson, AZ 85712-1083</p>		
<p>eCAST Settlement Corporation eCAST Settlement Corporation POB 35480 Newark NJ 07193-5480</p>		
<p>eCAST Settlement Corporation assignee of Chase Bank USA NA POB 35480 Newark NJ 07193-5480</p>		
<p>Cullen Hill Black 4811 Olympic Wichita Falls, TX 76310-2837</p>		
<p>Gabrielle Alisa Black 4811 Olympic Wichita Falls, TX 76310-2837</p>		
<p>Monte J. White Monte J. White & Associates, P.C. 1106 Brook Avenue Wichita Falls, TX 76301-5009</p>		
<p>UST U.S. Trustee 1100 Commerce Street Room 976 Dallas, TX 75242-1011</p>		

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Wells Fargo Bank, N.A.	(u)eCAST Settlement Corporation	End of Label Matrix	
		Mailable recipients	30
		Bypassed recipients	2
		Total	32